

REMARKS

Applicants request favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action in view of the following remarks.

Claims 1-25 remain pending, with claims 1, 12, 21, and 23 being independent claims. The claims have not been amended herein.

Initially, the Office Action rejects claims 21-25 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Office Action asserts that these claims merely recite software. As such, without requiring a computer-readable medium storing software, the Office Action asserts that these claims are non-statutory subject matter under Section 101.

Applicants respectfully traverse the Section 101 rejection. Independent claim 21 recites a method of enrolling a user in a membership program that comprises, inter alia, transferring a unique membership number to a portable handheld user storage device. Somewhat similar, independent claim 21 recites a method of enrolling a user in a membership program that comprises transferring unique membership numbers to a portable handheld radio frequency identification (RFID) storage device. Applicants submit that the storage devices recited in independent claims 21 and 23 cannot reasonably be interpreted as merely software. Moreover, software itself cannot act to store data, as is recited with respect to the storage devices in independent claims 21 and 23. As such, Applicants submit that independent claims 21 and 23, as well as the claims that depend therefrom, are not directed to merely software, and, in fact, recite statutory subject matter under Section 101.

Claims 1-25 are rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Giovannoli (U.S. Patent No. 5,842,178) in view of Zalewski et al. (U.S. Patent No. 6,771,981).

Applicants respectfully traverse the Section 103 rejection for at least the following reasons.

With respect to independent claim 1, the Office Action cites Giovannoli as disclosing features of the invention, including a first supplier system that provides first membership indicia to an enrollment system in response to user data, as well as a second supplier system that provides second membership indicia to the enrollment system in response the user data. In relation to these features the Office Action cites the buyer's and vendor's registrations shown in Figure 7 of Giovannoli.

Applicants respectfully submit, however, that the Office Action's citation to the buyer and vender features in Giovannoli cannot be taken to anticipate or suggest the claimed first and second membership indicia that are supplied in response to user data recited in independent claim 1.

In an exemplary embodiment of Giovannoli, a buyer registers with a centralized computer system, and then sends a request for quotes ("RFQ") to centralized computer system. See, e.g., col. 5, lines 3-11. In this regard, Figure 7 shows a sample buyer's data packet that is sent to centralized computer system as a RFQ. The centralized computer system then processes the RFQ from the buyer by applying filters that limit the vendors to which the RFQ will be sent. Col. 5, lines 12-39. For example, vendors may be filtered according to the type of service they provide. Col. 5, lines 29-31. Once the filtered vendors receive the RFQ, each responds to the buyer with, for example, an email directly to the buyer indicating the quote. Col. 5, lines 40-14.

Thus, Giovannoli provides a centralized system that a buyer uses to request quotes from vendors. Unlike the invention recited in independent claim 1, Giovannoli is not concerned with providing a system for membership enrollment of a particular buyer with a plurality of suppliers,

and thus, at no point does Giovannoli indicate that the system is configured to provided a plurality of membership indicia from the vendors in response to the buyer's data. For example, nothing in the disclosure of Giovannoli indicates that the centralized computer system receives first and second membership indicia from different vendors in response to a buyer registering with the system or requesting a quote. That is, the centralized computer system of Giovannoli does not provide for any particular relation between buyers and vendors, and as such, does not receive particular membership indicia from each of the vendors in response buyer enrolling with the system.

Thus, Applicants submit that Giovannoli falls short of a system that includes a first supplier system providing a first membership indicia to an enrollment system in response to user data, as well as a second supplier system providing a second membership indicia to the enrollment system in response to user data, as recited in independent claim 1.

Applicants further submit that the secondary citation to Zalewski et al., fails to cure the deficiencies of Giovannoli. Zalewski et al. is cited in the Office Action as suggesting the features of independent claim 1 related to a readable storage device. In any event, Applicants submit that Zalewski et al. does not disclose or suggest the features of the claimed invention related to first and second supplier systems that Giovannoli fails to disclose or suggest, as described above.

Applicants also submit that independent claims 12, 21, and 23 are distinguishable from Giovannoli and Zalewski et al. for reasons analogous to those discussed above with respect to independent claim 1. For example, independent claim 12, like independent claim 1, recites first and second supplier systems that provide first and second membership indicia in response to user data. Independent claims 21 and 23 recite methods of enrolling a user in a membership program

that includes, inter alia, providing user specific data to a plurality of service providers in combination with receiving from the plurality of service providers unique membership numbers. As discussed above, Giovannoli and Zalewski et al. fail to disclose or suggest a plurality of suppliers providing indicia such as membership numbers to a system in response to user data.

Thus, for at least the foregoing reasons, Applicants submit that Giovannoli and Zalewski et al. fail to disclose or suggest the invention recited in independent claims 1, 12, 21, and 23.

The dependent claims should also be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in the independent claims. Applicant requests further individual consideration of these dependent claims.

Applicants submit that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the Office Action, and a Notice of Allowability are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. Office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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